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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/207,871	12/08/98	HYMER	J 95-956CIP

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MMC1/0705

EXAMINER

HOBDEN, D

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/207,871

Applicant(s)

Hymer

Examiner

Bryan Stanley

Group Art Unit

2875



☒ Responsive to communication(s) filed on Jun 12, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 3-5 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 3-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover.

Stover teaches a device for a first vehicle for signaling a plurality of other vehicles following therebehind comprising:

a body having a base **10**, and a cover **20** joined to the base,
means for attaching **80** the base to the first vehicle, the body being mountable adjacent to the top of the first vehicle and adjacent to a side (the left side) of the vehicle with the cover facing rearwardly, and
a plurality of translucent lenses **22, 23** in the cover and a plurality of illumination means **35-38** for illuminating each of said lenses selectably to signal to the plurality of following vehicles, said first vehicle having the body mounted adjacent the top thereof at an elevation sufficient for viewing by a plurality of following vehicles arrayed serially behind the first vehicle.

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Stover lacks the claimed second body.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second body on the vehicle of Stover, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller.

Stover, applied to the rejection of claim 3 above, lacks a plurality of light emitting diodes to illuminate a lens as claimed in the instant invention.

Groeller discloses an automotive signaling device comprising a plurality of translucent lenses **9, 10** in a cover **2** and a plurality of illumination means **211, 230** for illuminating each of the lenses selectably (see column 3, line 63 through column 4, line 5),

said plurality of illumination means each comprising a plurality of light emitting diodes set in an array to illuminate at least one lens (see column 3, line 63 through column 4, line 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover with the automotive signaling device of Groeller since Groeller teaches that light emitting diode arrays are beneficial for reducing power consumption and increasing bulb life of automotive signaling devices (see column 1, lines 35-42).

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stover in view of Groeller, and further in view of Roney *et al.*

Stover, as modified by Groeller, applied to the rejection of claim 4 above, lacks the claimed limitation including a circuit board upon which the plurality of light emitting diodes is mounted.

Roney *et al.* discloses an automotive signally device comprising a circuit board 20 positioned between a cover 16 and a base 10, further including a plurality of light emitting diodes 12 mounted to the circuit board 20 (see column 2, lines 52-54).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the automotive signaling device of Stover, as modified by Groeller, with the circuit board mount of Roney *et al.* because Roney *et al.* teaches that light emitting diodes can be mounted to a circuit board in order to help reduce the junction temperature (see column 1, lines 24-58).

Response to Arguments

5. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Stanley whose telephone number is (703) 306-5981.

bps

June 27, 2000


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800